



09-CV-01414-INDI

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY JAMES WOODLEY,

Plaintiff,

v.

LABORERS INTERNATIONAL UNION OF  
AMERICA, LOCAL 242,

Defendants.

Case No. C09-1414RSL

**ORDER DISMISSING ACTION**

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, and the remaining record, finds as follows:

1. On October 7, 2009, plaintiff submitted a proposed Complaint and Motion to Proceed *In forma Pauperis* (IFP). Dkt. #1.
2. On October 9, 2009, the Clerk advised plaintiff that his IFP application was deficient because plaintiff had not filed a written consent for payment of costs from any recovery as required by Local Rule CR 3(b)(2). Dkt. #2. The Clerk advised plaintiff that he had 30 days from the date of the order to correct this deficiency.
3. Because plaintiff did not respond to the request to correct the deficiency, the Court ordered plaintiff to show cause by November 16, 2009 why the case should not be dismissed. Dkt. #3.
4. Although plaintiff is represented by counsel, he failed to submit a filing fee or a completed application to proceed IFP and failed to respond to the Court's show cause

1 order by November 16, 2009.


2 5. In light of these facts; on November 17, 2009, Magistrate Judge Brian A. Tsuchida  
3 issued a Report and Recommendation recommending plaintiff's case be dismissed  
4 without prejudice. Dkt. #4.

5 6. On December 1, 2009, plaintiff filed a new IFP application that, besides being  
6 untimely, does not correct the deficiency identified in the Clerk's Minute Order and  
7 Judge Tsuchida's Order to Show Cause. Dkt. ##2, 3.

8 For the foregoing reasons, the Court does hereby ORDER:

- 9 1. The Court adopts the Report and Recommendation;  
10 2. This action is DISMISSED without prejudice;  
11 3. The Clerk of Court is directed to close the case.

12 DATED this 18<sup>th</sup> day of December, 2009.

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15 ROBERT S. LASNIK  
16 United States District Judge  
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